

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 23, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES ALLEN MOORE, JR.,

Petitioner,

vs.

MELISSA ANDREWJESKI,

Respondent.

No. 2:24-CV-162-MKD

ORDER TO TERMINATE
MOTIONS

ECF Nos. 22, 23

By Order filed August 23, 2024, the Court dismissed this habeas corpus action without prejudice because Petitioner failed to demonstrate that he had fully exhausted his habeas claims in state Court. ECF No. 9. The Court found no basis to issue a certificate of appealability. *Id.* at 2. Petitioner appealed that dismissal on August 30, 2024. ECF No. 13.

Petitioner also filed a Construed Motion for Reconsideration, ECF No. 11, which the Court denied on September 23, 2024. ECF No. 18. Petitioner appealed that decision on October 2, 2024. ECF No. 19.

1 On November 27, 2024, Plaintiff filed a “Motion: To Attack the Integrity of
2 the Previous Habeas Corpus Proceedings – Pursuant to Civil Rule (b)(6), Rule 8. ”
3 ECF No. 22. On December 20, 2024, he filed a “Motion: Memorandum to the
4 Court; Notice of Official Misconduct Complaint.” ECF No. 23.

5 Typically, an appeal divests a district court of jurisdiction over a matter. *See*
6 *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). (“The filing
7 of a notice of appeal is an event of jurisdictional significance—it confers
8 jurisdiction on the court of appeals and divests the district court of its control over
9 those aspects of the case involved in the appeal.”).

10 Accordingly, **IT IS ORDERED:**

11 1. The Clerk is directed to terminate Petitioner’s pending motions, **ECF**
12 **No. 22 and ECF No. 23.**

13 2. Any motions Petitioner wishes to file should be filed with the Ninth
14 Circuit Court of Appeals in Case No. 24-5421.

15 3. The file shall remain closed.

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
17 and provide a copy to Petitioner.

18 DATED December 23, 2024.

19 s/Mary K. Dimke
20 MARY K. DIMKE
UNITED STATES DISTRICT JUDGE